

Entered -03-27-01 - sb
CL 01L0193 - GWENDOLYN BURNS

01-R-1064

CLAIM OF:

OLIVER L. TRAYLOR
152 Graves Street, NW
Atlanta, Georgia 30314

For damages alleged to have been sustained when police sold a set of golf clubs in an auction without properly notifying the owner that the property was available for pick up in September, 1999 at 675 Ponce De Leon Avenue, NE

THIS ADVERSED REPORT IS
APPROVED

CONSENT AGENDA

BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Robert J. Coj DCA

ADVERSE REPORT

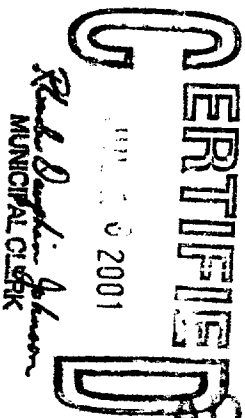
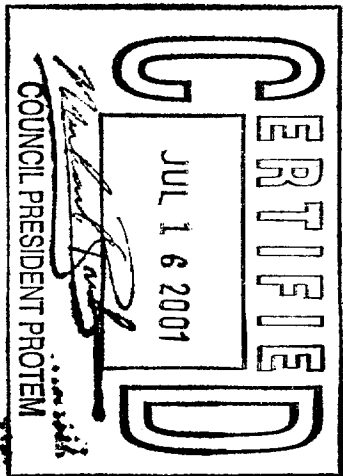
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01

CHAIR: C. T. Marks

Sherry Posey
Carol



ADVISED BY
CITY COUNCIL
JUL 16 2001



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 26, 2001

Oliver L. Traylor
152 Graves Street, N W
Atlanta, Georgia 30314

01-R-1064

Dear Mr. Traylor:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0192

Date: June 26, 2001

Claimant /Victim OLIVER L. TRAYLOR

BY: (Atty) (Ins. Co.) _____

Address: 152 Graves Street, NW, Atlanta, Georgia 30314

Subrogation: _____ Claim for Property damage \$ 1,500.00 Bodily Injury \$ _____

Date of Notice: 3/14/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/99 - 1/29/01 Place: 152 Graves Street, NW

Department POLICE Division _____

Employee involved P. Sparwarth Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained damages when his golf clubs were confiscated by police during a police raid and sold in an auction in September 1999. Claimant further contends that the police failed to notify him that his property was available for pick up. Moreover, the property was sold prior to the criminal trial proceeding which was held on January 29, 2001. However, the issues of this claim are being resolved by the Property Division of the Police Department.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

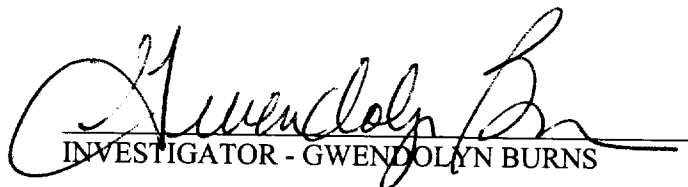
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

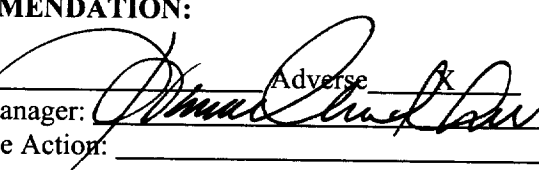
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 06-28-01

Committee Action: _____ Council Action _____

cc: Delores Brown: 356. to
Pl: Chief Beverly Howard

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

BURNS
03/27/01
RE: CLAIM FOR DAMAGES

Today's Date: 3/10/01

Dear Municipal Clerk:

ENTERED - 3-27-01 - SB
01L0193 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1500.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: October 1998 2. Time of Incident: _____ 3. Police ^{visited} called: _____ Yes No
(month/day/ year)
4. Location of incident (including street address): 152 Graves St., Atlanta, GA
5. Name of your insurance company: _____ Policy No. _____
6. State what and how incident occurred: On the above noted date and address the aforesaid address was raided. At that time, monies in the amount of \$1155.00 and a Wilson Golf Club set, specifically left-hand fitted, with the irons being brand new at a cost.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: _____
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Oliver L. Traylor
Signature of Claimant

Oliver L. Traylor
(Print Claimant's Name)
152 Graves St., N.W.
(Address)
Atlanta, GA 30314
(City, State and Zip Code)
(404) 524-2107
(Work Number) (Home Number)

01-R-1064

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

07/16/01 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-1091	37. 01-R-1029	73. 01-R-1069
2. 01-O-0722	38. 01-R-1030	74. 01-R-1070
3. 01-O-0855	39. 01-R-1031	75. 01-R-1071
4. 01-O-0890	40. 01-R-1032	76. 01-R-1072
5. 01-O-0891	41. 01-R-1033	77. 01-R-1073
6. 01-O-0980	42. 01-R-1034	78. 01-R-1104
7. 01-O-0924	43. 01-R-1035	
8. 01-O-1086	44. 01-R-1036	
9. 01-O-1090	45. 01-R-1037	
10. 01-O-0731	46. 01-R-1038	
11. 01-O-0917	47. 01-R-1039	
12. 01-R-1013	48. 01-R-1040	
13. 01-R-1014	49. 01-R-1044	
14. 01-R-1015	50. 01-R-1045	
15. 01-R-1016	51. 01-R-1046	
16. 01-R-1007	52. 01-R-1047	
17. 01-R-1009	53. 01-R-1048	
18. 01-R-1012	54. 01-R-1049	
19. 01-R-1005	55. 01-R-1050	
20. 01-R-1006	56. 01-R-1051	
21. 01-R-1011	57. 01-R-1052	
22. 01-R-1109	58. 01-R-1053	
23. 01-R-1017	59. 01-R-1054	
24. 01-R-1077	60. 01-R-1055	
25. 01-R-1080	61. 01-R-1056	
26. 01-R-1019	62. 01-R-1057	
27. 01-R-1020	63. 01-R-1058	
28. 01-R-1021	64. 01-R-1059	
29. 01-R-1022	65. 01-R-1060	
30. 01-R-1023	66. 01-R-1061	
31. 01-R-1024	67. 01-R-1062	
32. 01-R-1025	68. 01-R-1063	
33. 01-R-1026	69. 01-R-1064	
34. 01-R-1027	70. 01-R-1066	
35. 01-R-1028	71. 01-R-1067	
36. 01-R-1107	72. 01-R-1068	